

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

20-MJ-680-MJP

MARQUIS FRASIER,

Defendant

NOTICE OF MOTION AND
MOTION FOR BAIL REVOCATION

PLEASE TAKE NOTICE, that upon the annexed Affidavit of Sean C. Eldridge, Assistant United States Attorney, the undersigned moves this Court for an order revoking the Defendant's Release Order pursuant to Title 18, United States Code, Section 3148.

DATED: Rochester, New York, June 28, 2021.

JAMES P. KENNEDY, JR.
United States Attorney

BY: S/Sean C. Eldridge
SEAN C. ELDRIDGE
Assistant U.S. Attorney
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TO: James Vacca, Esq.
J.D. Curran, U.S. Probation Officer

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AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

Sean C. Eldridge, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York.
2. On or about June 30, 2020, this Court signed a Criminal Complaint charging Defendant Marquis Frasier with committing arson in violation of Title 18, United States Code, Sections 844(i) and 2. That crime carries a mandatory minimum prison sentence of five years, and a maximum sentence of 20 years imprisonment.

3. The Defendant made his initial appearance before this Court on July 2, 2020, and the government moved for detention. After a detention hearing that took place over July 7 and July 10, 2020, the Court ordered the Defendant's release on certain conditions, which included home detention with electronic monitoring, submitting to a mental health evaluation and following treatment recommendations, and participating in drug treatment.

4. In a violation report dated June 23, 2021, U.S. Probation Officer J.D. Curran informed the Court that Defendant violated his release conditions on multiple occasions and the Court directed the Defendant to appear in court on June 28, 2021. Specifically, in violation of the above-referenced release conditions, the Defendant violated the home detention component of his release conditions on seven occasions during April, May and June, 2021; the Defendant violated the drug treatment condition in that he has twice (in January 2021 and April 2021) been unsuccessfully discharged from substance abuse treatment; and the Defendant violated the mental health treatment condition in that he has not attended mental health treatment since February 23, 2021. Based on the violation report, the defendant appeared before this Court on June 28, 2021 where the government orally moved for revocation, and the Court ordered the Defendant detained pending a revocation hearing on July 8, 2021 at 10:00am.

5. Based upon the repeated instances of non-compliance as outlined above and in the violation report, there is clear and convincing evidence that Defendant violated the conditions of his release. In addition, the Defendant's actions show that he is unlikely to abide by any condition or combination of conditions of release set by the Court, and the government therefore concurs with Officer Curran's stated position that that Defendant's release order should be revoked.

S/Sean C. Eldridge
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Subscribed and sworn to this
28th day of June, 2021.

S/Michelle McCreedy Miles
NOTARY PUBLIC

MICHELLE MCCREEDY MILES
Notary Public, State of New York
Commission Expires August 1, 2025